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Remarks/Arguments

In the Office Action on February 1, 2006, claims 1-6, 8 and 11-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Branch et al (U.S. 3,219,789). However, independent claim 1 has been amended to recite in part "the flexible articulate tubular device further comprising a plurality of pivot rings and wherein one of the pivot rings is a terminal pivot ring" and "wherein said articulating said flexible articulate tubular device comprises pivoting at least one of the plurality of pivot rings." Independent claim 13 has been amended to recite in part "the flexible articulate tubular device further comprising a plurality of pivot rings and wherein one of the pivot rings is a terminal pivot ring" and "wherein said articulating said flexible articulating tubular device comprises pivoting at least one of said plurality of pivot rings." Branch et al does not disclose a tubular device having a plurality of pivot rings, nor does it suggest articulating the tubular device by pivoting one of the pivot rings. Withdrawal of the rejection is respectfully requested.

Claim 7 had been rejected under 35 U.S.C. 103(a) as being unpatentable over Branch et al (U.S. 3,219,789), (as applied to claim 6), and further in view of Corby, Jr. et al (U.S. 4,532,405). The Examiner had taken the position that Corby discloses optical cables for transporting visual signals from the terminus of a welding device. The Examiner concluded that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the bonding method of Branch with the addition of optical sensors of Corby in order to optimize the gas weld arc welding device by detecting "weld puddle characteristics and seam to puddle deviation." However, the rejection is defective in that the rejection fails to explain how a person of ordinary skill in the art would modify Branch to be "responsive to said visual signals" as recited in Applicant's claim 7.

Branch et al teaches a passive method of moving a gas discharge head 46 connected to a yolk 38 that is adapted, under the influence of weights 49 to occupy normally a position transversely of the axis rod 25 in the transverse plane of joint 13. In other words, gravity pulls on the weights 49 as the rod 25 is rotated so that the yolk 38 oscillates from a position slightly spaced from an upright position, back to an upright position under the force of gravity working on the weights 49. The rejection fails to explain how and why the passive system of Branch et al could be modified to be responsive to any type of signal (whether an optic element, thermal

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responsive device or otherwise). In the absence of such an explanation, the rejection should be withdrawn.

Claims 9-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Branch et al (U.S. 3,219,789) (as applied to claim 8) and further in view of Berg et al (U.S. 6,888,972). The Examiner had taken the position that Berg discloses temperature sensors for welding directed to "a multiple component sensor mechanism capable of being preassembled and used in numerous applications and environments" and that it would have been obvious to a person of ordinary skill in the art at the time the invention to modify the welding method of Branch by adding the temperature measurements of Berg in order to ensure the assembly process does not sink too much heat leading to poorer weld joint or too little heat damaging the fiber optics. Again, the rejection is defective because it fails to explain how and why the passive Branch et al could be modified to be "responsive to said measuring temperature" as recited in claim 10 of the instant application. Branch et al discloses a passive system that simply is not capable of being responsive to such temperature measurements. In the absence of such an explanation, the rejection should be withdrawn.

Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Branch et al (U.S. 3,219,789) (as applied to claim 14), and further in view of Corby, Jr. et al (U.S. 4,532,405). The Examiner had taken the position that Corby illustrates optical cables for transporting visual signals from the terminus of a welding device, and that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the bonding method of Branch with the addition of the optical signals of Corby. However, again the rejection is defective in that it includes no explanation of how the passive system of Branch et al could possibly be modified to provide a method of "translating and articulating said flexible articulate tubular device in response to said visual signals" as recited in claim 15. In the absence of such an explanation, the rejection should be withdrawn.

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Branch et al (U.S. 3,219,789) (as applied to claim 14) and further in view of Berg et al (U.S. 6,888,972). The Examiner had taken the position that Berg discloses temperature sensors for welding directed to a multiple component sensor mechanism capable of being preassembled and used in numerous applications and environments, and that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the welding method of

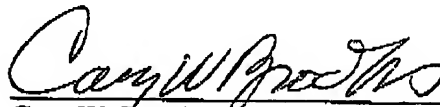
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Branch with the temperature feedback positioning of Berg in order to ensure that the assembly process does not sink too much heat leading to a poorer weld joint or too little heat damaging the fiber optics. However, again the rejection fails to explain how the passive system of Branch et al could possibly be modified to provide a method of "articulating said flexible articulate tubular device in response to said measuring temperature" as set forth in applicant's claim 16. In the absence of such an explanation, the rejection should be withdrawn.

In view of the above amendments and remarks, applicants respectfully request reconsideration and allowance of the claims now in the case.

If it is determined that any fees are due with this submission, the Commissioner is hereby authorized and respectfully requested to charge such fees to Deposit Account No. 07-0960.

Respectfully Submitted,



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